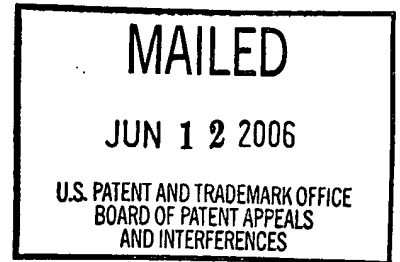


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: WAYNE EDWARD BEIMESCG

Application No. 09/806,274



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 7, 2006 . A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On December 9, 2005, an Examiner's Answer was mailed in response to the Appeal Brief received November 4, 2005. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Evidence Relied Upon" (section 8), the Examiner states: "That no evidence is relied upon by the examiner in the rejection of the claims on appeal." However, the MPEP §1207.02 states that the "Evidence

Relied Upon" section must include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) vacate the Examiner's Answer mailed December 9, 2005;
- 2) issue a revised Examiner's Answer to include all required headings as set forth under 37 CFR § 41.37, and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/dpv

Application No. 09/806,274

Peter C. Knops
Lathrop & Gage
2345 Grand Blvd.
Suite 2800
Kansas City, MO 64108